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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.27000 of 2018
and 31387 and 31389 of 2018

- 1.V.Manoharan
- 2.S.Sivashanmugam
- 3.I.Zeinoulabadine
- 4.N.Krishnamoorthy
- 5.K.Abdul Wahab
- 6.R.Chandravathanam
- 7.G.Rajan
- 8.N.Selvakumar
- 9.T.Kuppusamy
- 10.P.Sadasivam
- 11.R.Krishnakumar
- 12.R.Pandian
- 13.P.K.Kuppsamy
- 14.R.Augustine Lionel
- 15.S.Jayamurthy

...Petitioners

Vs

1. Union Territory of Puducherry
represented by the Chief Secretary
Government of Puducherry
Puducherry.
2. The District Collector of Puducherry
Saram, Puducherry 605 013.
3. Anglo French Textiles
Unit of Pondicherry Textile Corporation Limited
represented by its Managing Director
Mudaliarpeta, Puducherry 605 004.
4. The Controlling Authority under the Payment of
Gratuity Act 1972-cum-Labour Officer (Enforcement)
Puducherry.
5. The Ministry of Home Affairs, Government of India
represented by its Secretary, New Delhi

...Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to forthwith pay the amounts of gratuity due and payable to the petitioners together with compound interest at 10 percentage thereon from the respective dates of their retirement.

For Petitioner :Mr.K.Doraisami, Senior Counsel
for M/s.Muthumani Doraisami

For Respondents:Ms.N.Mala for R1 to R3
Ms.Poonam Chopra, CGSC for R5

O R D E R

The petitioners 1 to 15 have filed this writ petition for a direction to the respondents herein to forthwith pay the amounts of gratuity due and payable to the petitioners together with interest at 10% thereon from the respective dates of their retirement. The petitioners also contend that revenue recovery proceedings must be directed to be expedited for the purpose of collecting the gratuity amount.

2. The various amounts payable to the petitioners 1 to 15, listed out in paragraph 13 of the affidavit, is given below.

S.No	Name	Gratuity Amount as per Form R (Rs.)	Interest at 10% (Rs.)	Total amount due upto September 2018 (Rs.)
1.	V.Manoharan	6,76,291	3,71,960	10,48,251
2.	S.Sivashanmugam	5,47,502	3,01,126	8,48,628
3.	I.Zeinoulabadi	9,62,414	5,12,967	14,75,381
4.	N.Krishnamoorthy	4,43,625	2,36,452	6,80,077
5.	K.Abdul Wahab	9,16,388	4,81,104	13,97,492
6.	R.Chandravathanam	7,30,000	3,89,090	11,09,090
7.	G.Rajan	6,29,239	3,25,128	9,54,367
8.	N.Selvakumar	5,68,559	2,62,958	8,31,517
9.	T.Kuppusamy	5,68,559	2,62,958	8,31,517
10.	T.Sadasivam	7,09,119	3,27,967	10,37,086
11.	R.Krishnakumar	5,97,734	2,73,941	8,71,675
12.	R.Pandian	9,36,403	3,19,969	12,56,372



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S.N o	Name	Gratuity Amount as per Form R (Rs.)	Interest at 10% (Rs.)	Total amount due upto September 2018 (Rs.)
13.	P.K.Kuppusamy	6,50,641	2,16,663	8,67,304
14.	R.Augustine Lionel	8,85,000	2,72,845	11,57,845
15.	S.Jayamurthy	5,68,559	1,70,568	7,39,127

3. Learned counsel for the petitioners would submit that atleast some initial payment should be made so that there is no impediment to celebrate the festival of Deepavali.

4. Learned counsel for the third respondent, on instructions, would submit that the management agrees to pay Rs.50,000/- (Rupees Fifty Thousand only) to each of the petitioner, before the festival of Deepavali. The remaining amount shall be paid immediately after the sale of the property by the management, as directed by this Court, and in any event, within a period of four months from the date of receipt of a copy of this order.

5. The submission of the learned counsel for the petitioners / workmen that no contempt petition will be filed before the payment of the remaining amount within a period of four months as stipulated above, is also placed of record.

6. It is represented by the learned counsel for the management that if the property is not sold, even by the Advocate Commissioner, who has been appointed by this Court in W.P.No.24642 of 2018, the management may be at liberty to seek for further extension of time, and the liberty is granted.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, W.M.P.Nos. 31387 and 31389 of 2018 is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

kst



To

1. The Chief Secretary
Government of Puducherry
Puducherry.
 2. Anglo French Textiles
Unit of Pondicherry Textile Corporation Limited
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Mudaliarpatt, Puducherry 605 004.
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Puducherry.
 4. The Secretary
Ministry of Home Affairs, Government of India
New Delhi
 5. The District Collector of Puducherry
Saram, Puducherry 605 013
- +1 CC to Ms.N. Mala, Advocate sr 76002.
+1 CC to Ms. Muthumani Doraisamy, Advocate sr 75866.
+1 CC to Govt. Pleader(Puducherry) sr 76187.

W.P.No.27000 of 2018
and
WMP Nos.31387 & 31389/2018

NMI (CO)
SP(02/11/2018)